Supreme Court, U.S.
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No. 15-537

IN THE

Supreme Court of the United States

JUAN BRAVO-FERNANDEZ AND
HECTOR MARTÍNEZ-MALDONADO,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

On Writ of Certiorari to the United States Court of Appeals for the First Circuit

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED OCTOBER 23, 2015
CERTIORARI GRANTED MARCH 28, 2016

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NOTICE

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Docket No.: 3:10-cr-00232

UNITED STATES OF AMERICA

v.

BRAVO-FERNANDEZ, ET AL.

RELEVANT DOCKET ENTRIES

DATE	NO.	DOCKET TEXT
6/22/2010	1	INDICTMENT as to Juan Bravo-Fernandez (1) counts 1, 2, 4, Hector Martinez-Maldonado (2) counts 1, 3, 5, 6.
2/14/2011	344	Minute Entry for proceedings held before Judge Francisco A. Besosa:Jury Trial as to Juan Bravo-Fernandez, Hector Martinez-Maldonado held on 2/14/2011.
2/15/2011	350	Minute Entry for proceedings held before Judge Francisco A. Besosa:Further Jury Trial (2nd day) as to Juan Bravo-Fernandez, Hector Martinez-Maldonado held on 2/15/2011.

DATE	NO.	DOCKET TEXT
2/16/2011	358	Minute Entry for proceedings held before Judge Francisco A. Besosa: Further Jury Trial (3rd day) as to Juan Bravo-Fernandez and Hector Martinez-Maldonado held on 2/16/2011.
2/17/2011	361	Minute Entry for proceedings held before Judge Francisco A. Besosa: Further Jury Trial (4th day) as to Juan Bravo-Fernandez and Hector Martinez-Maldonado held on 2/17/2011.
2/18/2011	367	Minute Entry for proceedings held before Judge Francisco A. Besosa: Further Jury Trial (5th day) as to Juan Bravo-Fernandez and Hector Martinez-Maldonado held on 2/18/2011.
2/22/2011	373	Minute Entry for proceedings held before Judge Francisco A. Besosa: Further Jury Trial (6th day) as to Juan Bravo-Fernandez and Hector Martinez-Maldonado held on 2/22/2011.
2/23/2011	376	Minute Entry for proceedings held before Judge Francisco A. Besosa: Further Jury Trial (7th day) as to Juan Bravo-

DATE	NO.	DOCKET TEXT
		Fernandez and Hector Martinez-Maldonado held on 2/23/2011.
2/25/2011	400	Minute Entry for proceedings held before Judge Francisco A. Besosa: Further Jury Trial (8th day) as to Juan Bravo-Fernandez and Hector Martinez-Maldonado held on 2/25/2011.
2/28/2011	406	Minute Entry for proceedings held before Judge Francisco A. Besosa: Further Jury Trial (9th day) as to Juan Bravo-Fernandez and Hector Martinez-Maldonado held on 2/28/2011.
3/1/2011	408	Minute Entry for proceedings held before Judge Francisco A. Besosa: Further Jury Trial (10th day) as to Juan Bravo-Fernandez and Hector Martinez-Maldonado held on 3/1/2011.
3/2/2011	414	Minute Entry for proceedings held before Judge Francisco A. Besosa: Further Jury Trial (11th day) as to Juan Bravo-Fernandez and Hector Martinez-Maldonado held on 3/2/2011.

DATE	NO.	DOCKET TEXT
		Defendants Bravo and Martinez rested.
3/4/2011	432	Minute Entry for proceedings held before Judge Francisco A. Besosa: Further Jury Trial (12th day) as to Juan Bravo-Fernandez and Hector Martinez-Maldonado held on 3/4/2011.
3/4/2011	433	Final Jury Instructions as to Juan Bravo-Fernandez and Hector Martinez-Maldonado.
3/7/2011	436	Minute Entry for proceedings held before Judge Francisco A. Besosa: Further Jury Trial (13th day) as to Juan Bravo-Fernandez and Hector Martinez-Maldonado held on 3/7/2011.
3/7/2011	438	JURY VERDICT as to Juan Bravo-Fernandez (1) and Hector Martinez-Maldonado (2).
12/12/2011	588	OPINION AND ORDER re 449 Motion under Rule 29 as to Juan Bravo-Fernandez (1) and Hector Martinez-Maldonado (2); and re 450 Motion for Acquittal as to Hector Martinez-Maldonado (2). The Court GRANTS defendant Bravo's Rule 29

DATE	NO.	DOCKET TEXT
		motion for judgment of acquittal as to Count Two, DENIES defendant Bravo's Rule 29 motion for judgment as to Counts One and Four [Docket No. 449], and DENIES defendant Martinez's Rule 29 motion for judgment of acquittal as to Count Five [Docket No. 450]. Signed by Judge Francisco A. Besosa on 12/12/2011.
2/29/2012	612	Minute Entry for proceedi. gs held before Judge Francisco A. Besosa: 1st day of Sentencing Hearing as to Juan Bravo-Fernandez, Hector Martinez-Maldonado held on 2/29/2012. Further Sentencing Hearing set for 3/01/2012 at 9:00 AM before Judge Francisco A. Besosa in Courtroom #2.
3/1/2012	614	Minute for proceedings held before Judge Francisco A. Besosa: Further Sentencing held on 3/1/2012 for Hector Martinez-Maldonado (2), Count(s) 1, Dismissed by order of the Court on 8/30/2011.; Count(s) 3, 6, Dismissed after not guilty verdict on 3/7/2011.; Count(s) 5, Impr for 48 months. Fine in

DATE	NO.	DOCKET TEXT
		the amount of $17,500.00. SRT of 3 yrs. SMA of $100.00. Denying 607 Motion for bail pending appeal as to Hector Martinez-Maldonado (2). Defendant to surrender to the USM today at 4:00 P.M.
3/1/2012	615	Minute for proceedings held before Judge Francisco A. Besosa: Further Sentencing held on 3/1/2012 for Juan Bravo-Fernandez (1), Count(s) 1, 4, Impr for 48 months as to count 1 and 48 months as to count 4. Said terms to be served concurrently with each other. SRT of 3 yrs. SMA of $200.00. Count(s) 2, Dismissed by order of the Court on 12/12/2011. Granting 604 Motion for bail pending appeal as to Juan Bravo Fernandez (1).
3/1/2012	616	JUDGMENT as to Hector Martinez-Maldonado (2), Count(s) 1, Dismissed by order of the Court on 8/30/2011.; Count(s) 3, 6, Dismissed after not guilty verdict on 3/7/2011.; Count(s) 5, Impr for 48 months. Fine in the amount of $17,500.00. SRT of 3 yrs. SMA of $100.00. Signed by Judge

DATE	NO.	DOCKET TEXT
		Francisco A. Besosa on 3/1/2012
3/1/2012	617	AMENDED Minute for proceedings held before Judge Francisco A. Besosa: Amending 615. Further Sentencing held on 3/1/2012 for Juan Bravo-Fernandez (1), Count(s) 1, 4, Impr for 48 months as to count 1 and 48 months as to count 4. Said terms to be served concurrently with each other. Fine in the amount of $175,000.00. Payment of fine stayed pending appeal. SRT of 3 yrs. SMA of $200.00. Count(s) 2, Dismissed by order of the Court on 12/12/2011. Denying 604 Motion for bail pending appeal as to Juan Bravo-Fernandez (1). Voluntary surrender granted until 4/16/2012.
3/1/2012	618	JUDGMENT as to Juan Bravo-Fernandez (1), Count(s) 1 AND 4: Impr for 48 months as to count 1 and 48 months as to count 4. Said terms to be served concurrently with each other. Fine in the amount of $175,000.00. Payment of fine stayed pending appeal. SRT of 3 yrs. SMA of $200.00.

DATE	NO.	DOCKET TEXT
		Voluntary surrender granted until 4/16/2012.; Count(s) 2, Dismissed by order of the Court on 12/12/2011. Signed by Judge Francisco A. Besosa on 3/1/2012.
3/2/2012	620	NOTICE OF APPEAL by Juan Bravo-Fernandez as to 618 Judgment
3/2/2012	621	NOTICE OF APPEAL by Hector Martinez-Maldonado as to 616 Judgment
1/2/2013	634	MOTION for Release from Custody by Juan Bravo-Fernandez, Hector Martinez-Maldonado. Suggestions in opposition/response due by 1/18/2013
1/3/2013	635	Certified Copy of Order from USCA as to Juan Bravo-Fernandez, Hector Martinez-Maldonado entered on 1/2/2013 re 620 Notice of Appeal - Final Judgment, 621 Notice of Appeal - Final Judgment. Defendants' Renewed Motion for Bail Pending Appeal is granted. This case is remanded to the district court so that appropriate conditions of release can be set.

DATE	NO.	DOCKET TEXT
1/3/2013	636	ORDER re 634 Motion for Release from Custody and 635 USCA Order as to Juan Bravo-Fernandez 1 and Hector Martinez-Maldonado 2 The Court orders that defendants Juan Bravo-Fernandez and Hector Martinez-Maldonado be released forthwith and immediately from their current places of confinement, subject to several conditions. Signed by Judge Francisco A. Besosa on 01/03/2013.
6/27/2013	638	Printed Opinion from USCA as to Juan Bravo-Fernandez, Hector Martinez-Maldonado entered on 06/26/13 Re: 621 Notice of Appeal - Final Judgment, filed by Hector Martinez-Maldonado, 620 Notice of Appeal - Final Judgment, filed by Juan Bravo-Fernandez.
6/27/2013	639	JUDGMENT of USCA (certified copy) as to Juan Bravo-Fernandez re 620 Notice of Appeal - Final Judgment; "Juan Bravo Fernandez's conspiracy conviction is REVERSED, and the district court is directed to enter a judgment of acquittal. Juan

DATE	NO.	DOCKET TEXT
		Bravo Fernandez's 18 U.S.C. Sec. 666 conviction is VACATED, and the matter is REMANDED for further proceedings consistent with the opinion issued this day."
6/27/2013	640	JUDGMENT of USCA (certified copy) as to Hector Martinez-Maldonado re 621 Notice of Appeal - Final Judgment; "The district court's order declaring a mistrial as to Hector Martinez Maldonado's conspiracy count is REVERSED, and the district court is directed to enter a judgment of acquittal. Hector Martinez Maldonado's 18 U.S.C. Sec. 666 conviction is VACATED, and the matter is REMANDED to the district court for further proceedings consistent with the opinion issued this day."
10/23/2013	641	MANDATE of USCA (certified copy) as to Juan Bravo-Fernandez, Hector Martinez-Maldonado re 621 Notice of Appeal - Final Judgment, 620 Notice of Appeal - Final Judgment; REVERSED, VACATED & REMANDED. RE: 639 JUDGMENT of

DATE	NO.	DOCKET TEXT
		USCA, 640 JUDGMENT of USCA.
10/25/2013	642	***VACATED AS PER COURT (644) ORDER*** - ORDER re 639 U.S.C.A. Judgment and 640 U.S.C.A. Judgment as to Juan Bravo-Fernandez and Hector Martinez-Maldonado. The mandate having been issued (Docket No. 641), in accordance with the Judgments of the Court of Appeals (Docket Nos. 639 and 640), a judgment of acquittal shall be entered as to defendant Martinez's conspiracy count, as to defendant Bravo's conspiracy conviction, and as to both defendants' section 666 convictions. Signed by Judge Francisco A. Besosa on 10/25/2013.
10/25/2013	643	MOTION to Clarify by USA as to Juan Bravo-Fernandez, Hector Martinez-Maldonado. Suggestions in opposition/ response due by 11/12/2013
10/25/2013	644	ORDER re 643 Motion to Clarify as to Juan Bravo-Fernandez (1), Hector Martinez-Maldonado (2): NOTED. The Order at Docket No. 642 is VACATED. The

DATE	NO.	DOCKET TEXT
		Clerk is directed to enter a Judgment of Acquittal only as to defendant Martinez's and defendant Bravo's conspiracy counts. The defendants' section 666 convictions are VACATED. Signed by Judge Francisco A. Besosa on 10/25/13.
10/26/2013	645	Joint MOTION for acquittal reinstatement by Juan Bravo-Fernandez, Hector Martinez-Maldonado. Suggestions in opposition/response due by 11/12/2013
11/8/2013	646	ORDER re 645 Motion for Acquittal as to Juan Bravo-Fernandez (1) and Hector Martinez-Maldonado (2). Defendants' joint motion is DENIED. Signed by Judge Francisco A. Besosa on 11/08/2013.
11/12/2013	648	JUDGMENT OF ACQUITTAL as to Juan Bravo-Fernandez (1), Count 1, ACQUITTED; Count 4, VACATED. Signed by Judge Francisco A. Besosa on 11/12/2013.
11/12/2013	649	JUDGMENT OF ACQUITTAL as to Hector Martinez-Maldonado (2), Count 5,

DATE	NO.	DOCKET TEXT
		VACATED. Signed by Judge Francisco A. Besosa on 11/12/2013.
11/12/2013	650	AMENDED JUDGMENT as to Hector Martinez-Maldonado (2), Count 1, ACQUITTED; Count 5, VACATED. Signed by Judge Francisco A. Besosa on 11/12/2013
11/12/2013	651	AMENDED JUDGMENT as to Juan Bravo-Fernandez (1), Count 1, ACQUITTED; Count 4, VACATED. Signed by Judge Francisco A. Besosa on 11/12/2013.
11/14/2013	652	MOTION for acquittal on the Section 666 Charges Under the Double Jeopardy Clause and for Expedited Consideration by Juan Bravo-Fernandez, Hector Martinez-Maldonado. Suggestions in opposition/response due by 12/2/2013
12/23/2013	675	MEMORANDUM AND ORDER re 652 Motion for Acquittal as to Juan Bravo-Fernandez (1) and Hector Martinez-Maldonado (2): DENIED. Signed by Judge Francisco A. Besosa on 12/23/2013.

DATE	NO.	DOCKET TEXT
12/23/2013	676	NOTICE OF APPEAL (Interlocutory) as to Juan Bravo-Fernandez, re 648 Judgment, 644 Order on Motion to Clarify, 675 Order on Motion for Acquittal, 646 Order on Motion for Acquittal, 651 Amended Judgment.
12/23/2013	677	NOTICE OF APPEAL (Interlocutory) as to Hector Martinez-Maldonado re 675 Order on Motion for Acquittal, 650 Amended Judgment, 646 Order on Motion for Acquittal, 644 Order on Motion to Clarify,.
6/16/2015	684	Printed Opinion from USCA as to Juan Bravo-Fernandez (1), Hector Martinez-Maldonado (2) entered on 06/15/15 Re: 676 Notice of Appeal - Final Judgment filed by Juan Bravo-Fernandez, 677 Notice of Appeal - Final Judgment filed by Hector Martinez-Maldonado.
6/16/2015	685	JUDGMENT of USCA (certified copy) as to Juan Bravo-Fernandez (1) re Notice of Appeal - Final Judgment; AFFIRMED.

DATE	NO.	DOCKET TEXT
6/16/2015	686	JUDGMENT of USCA (certified copy) as to Hector Martinez-Maldonado (2) re Notice of Appeal - Final Judgment; AFFIRMED.

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

Court of Appeals Docket No. 12-1289

UNITED STATES

v.

BRAVO-FERNANDEZ.

RELEVANT DOCKET ENTRIES

DATE	DOCKET TEXT
3/6/2012	CRIMINAL CASE docketed. Notice of appeal (doc. #620) filed by Appellant Juan Bravo-Fernandez.
3/8/2012	MOTION for bail pending appeal filed by Appellant Juan Bravo-Fernandez. Certificate of service dated 03/08/2012.
3/30/2012	ORDER entered by Sandra L. Lynch, Chief Appellate Judge; Michael Boudin, Appellate Judge and Rogeriee Thompson, Appellate Judge denying motion for bail pending appeal filed by Appellant Juan Bravo-Fernandez.
11/1/2012	CASE argued. Panel: Jeffrey R. Howard, Appellate Judge; Kermit V. Lipez, Appellate Judge and Rogeriee Thompson, Appellate Judge.

DATE	DOCKET TEXT
12/11/2012	RENEWED MOTION for bail pending appeal filed by Appellant Hector Martinez-Maldonado in 12-1290, Appellant Juan Bravo-Fernandez in 12-1289. Certificate of service dated 12/11/2012.
1/2/2013	ORDER entered by Jeffrey R. Howard, Appellate Judge; Kermit V. Lipez, Appellate Judge and Rogeriee Thompson, Appellate Judge granting motion for bail pending appeal filed by Appellant Juan Bravo-Fernandez, Appellant Hector Martinez-Maldonado.
6/26/2013	JUDGMENT entered by Jeffrey R. Howard, Appellate Judge; Kermit V. Lipez, Appellate Judge and Rogeriee Thompson, Appellate Judge. 12-1289 "Juan Bravo Fernandez's conspiracy conviction is revered, and the district court is directed to enter a judgment of acquittal. Juan Bravo Fernandez's 18 U.S.C. Sec. 666 conviction is vacated, and the matter is remanded for further proceedings consistent with the opinion issued this day.
6/26/2013	OPINION issued by Jeffrey R. Howard, Appellate Judge; Kermit V. Lipez, Appellate Judge and Rogeriee Thompson, Appellate Judge. Published.
10/22/2013	MANDATE issued.

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

Court of Appeals Docket No. 12-1290

UNITED STATES

v.

MARTINEZ-MALDONADO.

RELEVANT DOCKET ENTRIES

DATE	DOCKET TEXT
3/6/2012	CRIMINAL CASE docketed. Notice of appeal (doc. #621) filed by Appellant Hector Martinez-Maldonado.
3/7/2012	MOTION for bail pending appeal filed by Appellant Hector Martinez-Maldonado. Certificate of service dated 03/07/2012.
3/30/2012	ORDER entered by Sandra L. Lynch, Chief Appellate Judge; Michael Boudin, Appellate Judge and Rogeriee Thompson, Appellate Judge denying motion for bail pending appeal filed by Appellant Hector Martinez-Maldonado.
11/1/2012	CASE argued. Panel: Jeffrey R. Howard, Appellate Judge; Kermit V. Lipez, Appellate Judge and Rogeriee Thompson, Appellate Judge.

DATE	DOCKET TEXT
12/11/2012	RENEWED MOTION for bail pending appeal filed by Appellant Hector Martinez-Maldonado in 12-1290, Appellant Juan Bravo-Fernandez in 12-1289.
1/2/2013	ORDER entered by Jeffrey R. Howard, Appellate Judge; Kermit V. Lipez, Appellate Judge and Rogeriee Thompson, Appellate Judge granting motion for bail pending appeal filed by Appellant Juan Bravo-Fernandez, Appellant Hector Martinez-Maldonado.
6/26/2013	JUDGMENT entered by Jeffrey R. Howard, Appellate Judge; Kermit V. Lipez, Appellate Judge and Rogeriee Thompson, Appellate Judge. 12-1290 "The district court's order declaring a mistrial as to Hector Martinez Maldonado's conspiracy count is reversed, and the district court is directed to enter a judgment of acquittal. Hector Martinez Maldonado's 18 U.S.C. Sec. 666 conviction is vacated, and the matter is remanded to the district court for further proceedings consistent with the opinion issued this day."
6/26/2013	OPINION issued by Jeffrey R. Howard, Appellate Judge; Kermit V Lipez, Appellate Judge and Rogeriee Thompson, Appellate Judge. Published.
10/22/2013	MANDATE issued.

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

Court of Appeals Docket No. 14-1089

UNITED STATES

v.

BRAVO-FERNANDEZ.

RELEVANT DOCKET ENTRIES

DATE	DOCKET TEXT
1/21/2014	CRIMINAL CASE docketed. Notice of appeal (doc. #676) filed by Appellant Juan Bravo-Fernandez.
1/8/2015	CASE argued. Panel: Jeffrey R. Howard, Appellate Judge; Kermit V. Lipez, Appellate Judge and David J. Barron, Appellate Judge.
6/15/2015	OPINION issued by Jeffrey R. Howard, Appellate Judge; Kermit V. Lipez, Appellate Judge and David J. Barron, Appellate Judge. Published.
6/15/2015	JUDGMENT entered by Jeffrey R. Howard, Appellate Judge; Kermit V. Lipez, Appellate Judge and David J. Barron, Appellate Judge. 14-1089 Affirmed.
7/27/2015	ORDER entered by Jeffrey R. Howard, Chief Appellate Judge; Juan R.

DATE	DOCKET TEXT
	Torruella, Appellate Judge (* Judge Torruella is recused and did not participate in the consideration of this matter*); Sandra L. Lynch, Appellate Judge; Kermit V. Lipez, Appellate Judge; Rogeriee Thompson, Appellate Judge; William J. Kayatta , Jr., Appellate Judge and David J. Barron, Appellate Judge denying petition for rehearing en banc filed by Appellant Juan Bravo-Fernandez, Appellant Hector Martinez-Maldonado; denying petition for panel rehearing filed by Appellant Juan Bravo-Fernandez, Appellant Hector Martinez-Maldonado.
8/6/2015	ORDER entered by David J. Barron, Appellate Judge: Upon consideration of the defendants-appellants' opposed joint motion to stay the mandate, the motion is granted. The issuance of the mandate is hereby stayed for 90 days and, if within that period a timely petition for writ of certiorari is filed, shall continue until final disposition of such petition by the United States Supreme Court. Should any petition for writ certiorari be denied, mandate shall issue forthwith. Counsel for the defendants-appellants are directed to promptly notify the Clerk of this court both of the filing of any such petition for writ of certiorari and its disposition.

DATE	DOCKET TEXT
3/28/2016	U.S. SUPREME COURT ORDER entered on 03/28/2016. The petition for a writ of certiorari was granted.

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

Court of Appeals Docket No. 14-1091

UNITED STATES

v.

MARTINEZ-MALDONADO.

RELEVANT DOCKET ENTRIES

DATE	DOCKET TEXT
1/21/2014	CRIMINAL CASE docketed. Notice of appeal (doc. #677) filed by Appellant Hector Martinez-Maldonado.
1/8/2015	CASE argued. Panel: Jeffrey R. Howard, Appellate Judge; Kermit V. Lipez, Appellate Judge and David J. Barron, Appellate Judge.
6/15/2015	OPINION issued by Jeffrey R. Howard, Appellate Judge; Kermit V Lipez, Appellate Judge and David J. Barron, Appellate Judge. Published.
6/15/2015	JUDGMENT entered by Jeffrey R. Howard, Appellate Judge; Kermit V. Lipez, Appellate Judge and David J. Barron, Appellate Judge. 14-1091 Affirmed
7/27/2015	ORDER entered by Jeffrey R. Howard, Chief Appellate Judge; Juan R.

DATE	DOCKET TEXT
	Torruella, Appellate Judge (* Judge Torruella is recused and did not participate in the consideration of this matter*); Sandra L. Lynch, Appellate Judge; Kermit V. Lipez, Appellate Judge; Rogeriee Thompson, Appellate Judge; William J. Kayatta , Jr., Appellate Judge and David J. Barron, Appellate Judge denying petition for rehearing en banc filed by Appellant Juan Bravo-Fernandez, Appellant Hector Martinez-Maldonado; denying petition for panel rehearing filed by Appellant Juan Bravo-Fernandez, Appellant Hector Martinez-Maldonado.
8/6/2015	ORDER entered by David J. Barron, Appellate Judge: Upon consideration of the defendants-appellants' opposed joint motion to stay the mandate, the motion is granted. The issuance of the mandate is hereby stayed for 90 days and, if within that period a timely petition for writ of certiorari is filed, shall continue until final disposition of such petition by the United States Supreme Court. Should any petition for writ certiorari be denied, mandate shall issue forthwith. Counsel for the defendants-appellants are directed to promptly notify the Clerk of this court both of the filing of any such petition for writ of certiorari and its disposition.

DATE	DOCKET TEXT
3/28/2016	U.S. SUPREME COURT ORDER entered on 03/28/2016. The petition for a writ of certiorari was granted.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

[Filed 06/22/10]

Cr. No. 10-232 (JAF)

UNITED STATES OF AMERICA,
Plaintiff,

v.

JUAN BRAVO FERNANDEZ

and

HECTOR MARTINEZ MALDONADO,
Defendants.

CRIMINAL VIOLATIONS:

Count One:	Conspiracy, 18 U.S.C. § 371
Count Two:	Interstate Travel in Aid of Racketeering, 18 U.S.C. §§ 1952(a)(3)(A) & 2 (BRAVO)
Count Three:	Interstate Travel in Aid of Racketeering, 18 U.S.C. §§ 1952(a)(3)(A) & 2 (MARTINEZ)
Count Four:	Federal Program Bribery, 18 U.S.C. §§ 666(a)(2) & 2 (BRAVO)
Count Five:	Federal Program Bribery, 18 U.S.C. §§ 666(a)(1)(B) & 2 (MARTINEZ)
Count Six:	Obstruction of Justice, 18 U.S.C. § 1512(b)(3) & 2 (MARTINEZ)

INDICTMENT

The Grand Jury charges:

GENERAL ALLEGATIONS

At all times relevant to this indictment:

Introduction

1. The Commonwealth of Puerto Rico was a self-governing Commonwealth in association with the United States of America. The Commonwealth of Puerto Rico was governed by executive, legislative, and judicial branches. The legislative power resided in the Puerto Rico Senate and the Puerto Rico House of Representatives.

2. In calendar years 2004 and 2005, the Commonwealth of Puerto Rico received more than $10,000 in federal benefits.

3. The Senate consisted of twenty-seven members, two from each of eight electoral districts, and eleven at large members. Senators served four-year terms; legislators in the House also served four-year terms.

4. A Senator's duties included, but were not limited to: (a) investigating, studying, assessing, reporting, making recommendations, and amending or substituting measures or matters related to the jurisdiction of the Senate or the Senator's Committee; (b) scheduling and holding public hearings and executive meetings, summoning witnesses, and hearing testimony related to measures or matters within the jurisdiction of the Senate or the Senator's Committee; (c) drafting, filing, and voting on bills of law, resolutions, and substitute measures; and (d) appraising, approving, and overseeing budgets and particular expenditures of the Commonwealth.

Individuals and Entities

5. Defendant HECTOR JAVIER MARTINEZ MALDONADO (hereinafter "MARTINEZ") was first elected as a member of the Puerto Rico Senate in 2004. Defendant MARTINEZ was re-elected in 2008.

6. In or about January 2005, defendant MARTINEZ took his Oath of Office as a Puerto Rico Senator, swearing in pertinent part, "that I will defend the Constitution of the United States and the Constitution and laws of the Commonwealth of Puerto Rico, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

7. Beginning in or about Januaiy 2005, defendant MARTINEZ served as Chair of the Public Safety Committee of the Puerto Rico Senate, which exercised legislative jurisdiction over issues related to community safety. As Chair of the Public Safety Committee, defendant MARTINEZ exercised significant control over legislation related to the security and general welfare of Puerto Rico.

8. Defendant JUAN BRAVO FERNANDEZ (hereinafter "BRAVO") served as the owner and President of an entity known to the members of the grand jury and identified herein as "Company A," one of the largest private security firms in Puerto Rico.

9. Company A has approximately 2,000 employees, and Company A's clients included some of Puerto Rico's largest shopping centers.

10. Jorge de Castro Font (hereinafter "de Castro Font") was first elected as a member of the Puerto Rico House of Representatives in 1988. De Castro Font was re-elected in 1992, 1996, and 2000. De Castro Font was elected to the Puerto Rico Senate in November 2004. He was re-elected to the Senate in November 2008, but resigned from the Senate in or about December 2008.

11. When de Castro Font joined the Senate in January 2005, he served as Chair of the Committee on Rules and Calendars, and as Chair de Castro Font exercised significant control over which bills, confirmations, and other matters were brought to a vote on the floor of the Senate and when they were brought to a vote.

12. In 2004, the Puerto Rico legislature considered a bill known as the "Private Security Guards and Agencies Act of Puerto Rico." In the Puerto Rico House of Representatives, this legislation was described as "HR Project 4756." This legislation would have, among other things, required the president of all private security firms doing business in Puerto Rico to obtain and maintain a private detective license. The presidents of several private security firms in Puerto Rico who were competing with Company A did not have private detective licenses. This legislation was supported by defendant BRAVO and his associates, but failed to become law during the legislative session and had to be reintroduced during the legislative session beginning in 2005.

13. In 2005, a new four-year legislative session commenced, and the Puerto Rico legislature again considered the "Private Security Guards and Agencies Act of Puerto Rico." The legislation was introduced in the Puerto Rico Senate, where it was described as "Senate Project 471." This legislation would have,

among other things, required the president of all private security firms doing business in Puerto Rico to secure and maintain private detective licenses. The presidents of several private security firms in Puerto Rico who were competing with Company A did not have private detective licenses. This legislation was supported by defendant BRAVO and his associates.

14. In 2005, the Puerto Rico legislature considered a bill seeking to establish the "Code of Protection and Safety of Visitors, Employees and Tenants of Shopping Centers." In the Puerto Rico Senate, this legislation was described as "Senate Project 410." This legislation would have, among other things, permitted commercial shopping centers to develop a Code of Conduct for its premises to be enforced by private security firms, such as Company A. This legislation was supported by defendant BRAVO and his associates, including the commercial shopping centers that retained Company A's services.

COUNT ONE
(Conspiracy)

The Conspiracy

15. The Grand Jury realleges paragraphs 1 through 14 as though fully set forth herein.

16. From no later than early-2004 through in or about May 2005, in the Commonwealth of Puerto Rico, and elsewhere, the defendants,

JUAN BRAVO FERNANDEZ

AND

HECTOR MARTINEZ MALDONADO,

did knowingly, intentionally, and willfully combine, conspire, confederate, and agree with each other, and

with Jorge de Castro Font and others both known and unknown to the members of the grand jury, to commit the following offenses against the United States:

a. Bribery Concerning Programs Receiving Federal Funds: that is, for defendant BRAVO to corruptly give, offer, and agree to give things of value to defendant MARTINEZ and de Castro Font, agents of the Commonwealth of Puerto Rico government, a government which during each relevant one-year period received federal benefits in excess of $10,000, with intent to influence and reward defendant MARTINEZ and de Castro Font in connection with a transaction and series of transactions valued at $5,000 or more, that is legislation benefitting Company A, in violation of Title 18, United States Code, Sections 666(a)(2) and 2;

b. Bribery Concerning Programs Receiving Federal Funds: that is, for defendant MARTINEZ and de Castro Font, agents of the Commonwealth of Puerto Rico government, a government which during each relevant one-year period received federal benefits in excess of $10,000, to corruptly solicit, demand, accept, and agree to accept for their own benefit, things of value from defendant BRAVO, intending to be influenced and rewarded in connection with a transaction and series of transactions valued at $5,000 or more, that is legislation benefitting Company A, in violation of Title 18, United States Code, Sections 666(a)(1)(B) and 2; and

c. Interstate Travel in Aid of Racketeering: that is, to travel in interstate commerce from the Commonwealth of Puerto Rico to the State of

Nevada, with intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on, of an unlawful activity, to wit bribery in violation of the laws of the United States and the Commonwealth of Puerto Rico, in violation of Title 18, United States Code, Sections 1952(a)(3)(A) and 2.

Purposes of the Conspiracy

17. It was a purpose of the conspiracy for defendant MARTINEZ and de Castro Font to enrich themselves by using and agreeing to use their official positions in exchange for accepting things of value from defendant BRAVO, including a trip to Las Vegas, Nevada, in or about May 2005, that included tickets to a high-profile professional boxing match worth approximately $1,000 each.

18. It was a further purpose of the conspiracy for defendant BRAVO to enrich himself and Company A by corruptly securing official legislative action from defendant MARTINEZ and de Castro Font, as Puerto Rico legislators, including action immediately upon their return from Las Vegas in or about May 2005.

19. It was a further purpose of the conspiracy for defendant MARTINEZ and de Castro Font to conceal from the Puerto Rico Senate and the people of the Commonwealth of Puerto Rico the things of value defendant MARTINEZ and de Castro Font received from defendant BRAVO, and to conceal the fact that defendant MARTINEZ and de Castro Font performed official legislative actions in return for, influenced by, and rewarded by things of value from defendant BRAVO.

Manner and Means of the Conspiracy

20. The manner and means of the conspiracy included, but were not limited to, the following:

a. Defendant MARTINEZ and de Castro Font, while serving as elected members of the Puerto Rico legislature, solicited and accepted things of value from defendant BRAVO, including a trip to Las Vegas, Nevada, in or about May 2005, that included tickets to a high-profile professional boxing match worth approximately $1,000 each.

b. Defendant BRAVO made payments of cash and other concealed and disguised payments to de Castro Font through the use of fraudulent invoices and the use of campaign vendors as intermediaries.

c. Defendant MARTINEZ and de Castro Font engaged in official actions as Puerto Rico legislators on behalf of and benefitting defendant BRAVO and Company A, including sponsoring legislation, "fast tracking" legislation, attempting to influence other legislators to vote for legislation, conducting hearings on legislation, and voting for legislation that was supported by defendant BRAVO and Company A.

Overt Acts

21. In furtherance of the conspiracy and to achieve its purposes, defendants MARTINEZ and BRAVO, de Castro Font, and other individuals known and unknown to the grand jury, committed the following overt acts, among others, in the District of Puerto Rico and elsewhere:

Cash and Disguised Payments from Defendant BRAVO to de Castro Font in 2004

22. Between at least in or about early 2004 and May 2005, defendant BRAVO provided periodic cash payments to de Castro Font in amounts between approximately $500 to $2,000. Defendant BRAVO provided the cash to de Castro Font by making a check out to an individual known to the grand jury and identified herein as "Company A's messenger" and sending Company A's messenger to the bank to cash the check. When Company A's messenger returned from the bank, defendant BRAVO put the cash in a sealed envelope and handed it to his assistant with instructions to deliver it to de Castro Font's assistant.

23. On or about April 27, 2004, in order to obtain funds from defendant BRAVO and Company A without detection, de Castro Font caused Company B, a public relations firm that de Castro Font used for his political campaigns and with whom de Castro Font had accrued a substantial financial debt, to send invoice No. 7544 to Company A, which falsely stated that work had been performed by Company B for Company A and that $5,000 was due.

24. On or about April 29, 2004, knowing that Company B provided no work and performed no services for Company A, defendant BRAVO caused Company A to issue a check in the amount of $5,000 to Company B in full payment of Invoice No. 7544, knowing that the payment was solely intended to benefit de Castro Font.

25. On or about May 31, 2004, in order to obtain funds from defendant BRAVO and Company A without detection, de Castro Font caused Company B to send invoice No. 7569 to Company A, which falsely

stated that work had been performed by Company B for Company A and that $5,000 was due.

26. On or about June 22, 2004, during the 2001-2004 legislative session, defendant BRAVO sent a letter to the Puerto Rico legislature in support of HR Project 4756—the House version of what became Senate Project 471 during the 2005-2008 legislative session.

27. On or about June 23, 2004, de Castro Font voted to approve HR Project 4756 in the House of Representatives.

28. On or about July 16, 2004, knowing that Company B provided no work and performed no services for Company A, defendant BRAVO caused Company A to issue a check in the amount of $5,000 to Company B in full payment of Invoice No. 7569, knowing that the payment was solely intended to benefit de Castro Font.

29. On or about August 28, 2004, in order to obtain funds from defendant BRAVO and Company A without detection, de Castro Font caused Company C, a gas station that de Castro Font used for his political campaigns and with whom de Castro Font had accrued a substantial financial debt, to send an invoice to Company A, which falsely stated that services had been performed by Company C for Company A and that $2,500 was due,

30. Shortly thereafter, knowing that Company C performed no services for Company A, defendant BRAVO caused Company A to pay $2,500 to Company C in full payment of the false invoice, knowing that the payment was solely intended to benefit de Castro Font.

31. On or about September 24, 2004, in order to obtain funds from defendant BRAVO and Company A without detection, de Castro Font caused Company B to send invoice No. 7670 to Company A, which falsely stated that work had been performed by Company Firm B for Company A and that $2,500 was due.

32. On or about October 4, 2004, knowing that Company B provided no work and performed no services for Company A, defendant BRAVO caused Company A to issue a check in the amount of $2,500 to Company B in full payment of Invoice No. 7670, knowing that the payment was solely intended to benefit de Castro Font,

33. On or about October 4, 2004, in order to obtain funds from defendant BRAVO and Company A without detection, de Castro Font caused Company C to send an invoice to Company A, which falsely stated that services had been performed by Company C for Company A and that $2,500 was due.

34. On or about October 4, 2004, knowing that Company C performed no services for Company A, defendant BRAVO caused Company A to pay $2,500 to Company C in full payment of the false invoice, knowing that the payment was solely intended to benefit de Castro Font.

35. On or about October 5, 2004, in order to obtain funds from defendant BRAVO and Company A without detection, de Castro Font caused Company B to send invoice No. 7674 to Company A, which falsely stated that work had been performed by Company B for Company A and that $2,500 was due.

36. On or about October 26, 2004, knowing that Company B provided no work and performed no services for Company A, defendant BRAVO caused

Company A to issue a check in the amount of $2,500 to Company B in full payment of Invoice No. 7674, knowing that the payment was solely intended to benefit de Castro Font.

37. On or about November 17, 2004, knowing that Company C performed no services for Company A, defendant BRAVO caused Company A to pay $2,500 to Company C in full payment of a false invoice, knowing that the payment was solely intended to benefit de Castro Font.

The 2005 Legislation and Trip to Las Vegas

38. In or about early 2005, defendant BRAVO hosted a meeting at his Company A office in which he invited several executives from other Puerto Rico-based private detective firms. Defendant BRAVO made clear that the purpose of this meeting was to discuss amending the private detective law to, among other things, eliminate competition from existing private security firms. Defendant BRAVO proposed changing the law to require the general managers, or presidents, of private security firms operating in Puerto Rico to hold a private detective's license, which if passed would eliminate several of Company A's competitors. During this meeting, defendant BRAVO told the executives that he was drafting such a private detective bill.

39. In or about February 2005, defendant BRAVO met with de Castro Font seeking assistance on a legislative project dealing with a "code of conduct" for shopping malls. During this meeting, de Castro Font told defendant BRAVO that in order to secure passage of the legislation defendant BRAVO needed to secure the assistance of defendant MARTINEZ, who was

Chair of the Public Safety Committee, the Committee that would exercise jurisdiction over the legislation.

40. In or about February 2005, defendant BRAVO met on multiple occasions with defendant MARTINEZ and Person A, a close friend and professional mentor of defendant MARTINEZ, as well as a legal advisor to the Public Safety Committee, at defendant MARTINEZ' Senate office. During these meetings, defendant BRAVO provided defendant MARTINEZ with drafts of two pieces of legislation, which would become Senate Project 410 and Senate Project 471. Defendant BRAVO and defendant MARTINEZ met several more times during February and March 2005 to discuss defendant MARTINEZ' support of the two pieces of legislation.

41. In or about February 2005, defendant MARTINEZ instructed Person B, a legal advisor to the Public Safety Committee, to work on the legislation that became Senate Project 410 and Senate Project 471. During this meeting, defendant MARTINEZ gave Person B hard copies of the drafts of Senate Project 410 and Senate Project 471 that had been provided by defendant BRAVO, and defendant MARTINEZ instructed Person B to reformat the bills so that it appeared as if they had been drafted and sponsored by defendant MARTINEZ, rather than an outside source.

42. In or about February 2005, during a conversation about defendant BRAVO'S legislative projects, defendant BRAVO offered de Castro Font a trip to Las Vegas to watch the May 14, 2005, Felix "Tito" Trinidad vs. Winky Wright professional boxing match. De Castro Font accepted the offer.

43. In or about February 2005, defendant BRAVO asked de Castro Font to extend the same offer about the trip to Las Vegas to defendant MARTINEZ. De Castro Font did so, and defendant MARTINEZ also accepted the offer.

44. On or about February 25, 2005, de Castro Font dictated a memorandum to his assistant, stating that "Juan Bravo's project to be submitted by fast track."

45. In or about early March 2005, defendant BRAVO caused an order to be placed with Don King Productions for four (4) tickets to the May 14, 2005, professional boxing match between Felix "Tito" Trinidad and Winky Wright, at a cost of approximately $1,000 each, the face value of the each ticket.

46. On or about March 2, 2005, defendant BRAVO caused Company A to issue a check in the amount of $4,000 to Don King Productions as payment for the four (4) tickets to the Felix "Tito" Trinidad vs. Winky Wright professional boxing match.

47 On or about March 2, 2005, defendant MARTINEZ submitted Senate Project 410, defendant BRAVO's code of conduct legislation, for consideration by the Puerto Rico Senate.

48. On or about March 8, 2005, defendant BRAVO met with defendant MARTINEZ and others known and unknown to the members of the grand jury, including Person A and Person B, to discuss the status of defendant BRAVO's private detective legislation.

49. In or about mid-March 2005, during a conversation about Senate Project 410 and Senate Project 471 with defendant MARTINEZ and Person A, defendant BRAVO discussed the trip to Las Vegas with defendant MARTINEZ and offered Person A, who

was working on defendant BRAVO's legislation, the same trip to Las Vegas to watch the May 2005 professional boxing match between Felix "Tito" Trinidad and Winky Wright. Person A declined the offer. After defendant BRAVO left, Person A told defendant MARTINEZ that because of defendant BRAVO's support for Senate Project 410 and Senate Project 471, both of which defendant MARTINEZ had agreed to sponsor, it was not proper for defendant MARTINEZ to accept the trip.

50. On or about March 18, 2005, defendant MARTINEZ submitted Senate Project 471, defendant BRAVO's private detective legislation, for consideration by the Puerto Rico Senate.

51. On or about April 12, 2005, defendant MARTINEZ presided over a Public Safety Committee hearing regarding Senate Project 410, at which defendant BRAVO and another representative of Company A were the only representatives of the private security industry to testify.

52. Shortly after the April 12, 2005, Public Safety Committee hearing, defendant MARTINEZ authorized the preparation of a Public Safety Committee report in support of Senate Project 410.

53. On or about April 20, 2005, defendant MARTINEZ presided over a Public Safety Committee hearing regarding Senate Project 471, at which defendant BRAVO was the only representative of the security industry to testify.

54. Shortly after the April 20, 2005, Public Safety Committee hearing, defendant MARTINEZ authorized the preparation of a Public Safety Committee report in support of Senate Project 471.

55. On or about April 21, 2005, defendant BRAVO used, or authorized the use of, his personal credit card to reserve a hotel room at the Mandalay Bay Resort and Casino in Las Vegas, Nevada. The deposit for this hotel room was credited to defendant MARTINEZ' hotel room.

56. On or about May 5, 2005, defendant BRAVO used, or authorized the use of, his personal credit card to reserve two additional hotel rooms at the Mandalay Bay Resort and Casino in Las Vegas, Nevada. The deposits for these hotel rooms were credited to defendant BRAVO's hotel room and de Castro Font's hotel room.

57. In or about the spring of 2005, defendant BRAVO arranged first-class round trip airline tickets for himself, defendant MARTINEZ, and de Castro Font, from Puerto Rico to Las Vegas.

58. On or about May 11, 2005, defendant MARTINEZ, as Chair of the Public Safety Committee, caused the Public Safety Committee to issue a report in support of Senate Project 471.

59. On or about May 13, 2005, defendant BRAVO, defendant MARTINEZ, de Castro Font, and others known and unknown to members of the grand jury, traveled from San Juan, Puerto Rico, to Las Vegas, Nevada. Defendant BRAVO, defendant MARTINEZ, and de Castro Font were seated in the first-class cabin during the flights.

60. On or about May 13, 2005, defendant BRAVO, defendant MARTINEZ, and de Castro Font were picked up at the Las Vegas airport in a limousine which had been arranged and paid for by defendant BRAVO.

61. On or about May 13, 2005, defendant BRAVO, defendant MARTINEZ, and de Castro Font checked into the Mandalay Bay Resort and Casino in Las Vegas, Nevada, where they stayed for two nights, at a cost of approximately $935.22 for defendant MARTINEZ and $1,066.01 for de Castro Font. Defendant BRAVO paid for the first night for both defendant MARTINEZ and de Castro Font using his personal credit card. De Castro Font initially paid for himself and defendant MARTINEZ for the second night, but was subsequently reimbursed in cash by defendant BRAVO for those expenses upon return to Puerto Rico.

62. On or about May 13, 2005, defendant BRAVO, defendant MARTINEZ, and others known and unknown to the members of the grand jury, ate at a restaurant in the MGM Grand, where defendant BRAVO incurred a charge of approximately $500 on his personal credit card. During the trip, defendant BRAVO also paid for other meals, drinks, and expenses for defendant MARTINEZ and de Castro Font.

63. On or about May 14, 2005, defendant BRAVO, defendant MARTINEZ, de Castro Font, and others known and unknown to the members of the grand jury, attended the Felix "Tito" Trinidad vs. Winky Wright professional boxing match at the MGM Grand Hotel and Casino in Las Vegas, Nevada. The three men sat in seats approximately seven rows up from the floor, using the tickets previously purchased by defendant BRAVO for approximately $1,000 each.

64. On or about May 15, 2005, defendant BRAVO, defendant MARTINEZ, and de Castro Font traveled from Las Vegas, Nevada, to Miami, Florida. All three men were seated in the first-class cabin.

65. On or about May 15, 2005, defendant BRAVO, defendant MARTINEZ, and de Castro Font checked into the Marriott South Beach in Miami Beach, Florida, where they stayed in individual hotel rooms reserved and paid for by defendant BRAVO using his personal credit card at a total cost of $954.75, approximately $318.25 per person.

66. On or about May 16, 2005, defendant BRAVO, defendant MARTINEZ, and de Castro Font traveled from Miami, Florida, to San Juan, Puerto Rico. All three men sat together in the first-class cabin of the plane.

67. Throughout the duration of the trip to Las Vegas, defendant BRAVO, defendant MARTINEZ, and de Castro Font discussed Senate Projects 410 and 471, and defendant MARTINEZ and de Castro Font agreed to take official actions immediately upon their return from the trip to Las Vegas in order to influence the passage of the legislation.

68. Upon returning to Puerto Rico, defendant BRAVO instructed de Castro Font to destroy the airline receipts for the Las Vegas trip, which reflected that the first-class tickets were paid for in cash.

69. On or about May 17, 2005, de Castro Font, as Chair of the Committee on Rules and Calendars, scheduled an immediate vote on the floor of the Puerto Rico Senate for Senate Project 471.

70. On or about May 17, 2005, with the support of defendant MARTINEZ and de Castro Font, the full Puerto Rico Senate approved Senate Project 471.

71. On or about May 18, 2005, defendant MARTINEZ, as Chair of the Public Safety Committee, caused the Public Safety Committee to issue a report in support of Senate Project 410.

72. On or about May 23, 2005, de Castro Font, as Chair of the Committee on Rules and Calendars, scheduled an immediate vote on the floor of the Puerto Rico Senate for Senate Project 410.

73. On or about May 23, 2005, with the support of defendant MARTINEZ and de Castro Font, the full Puerto Rico Senate approved Senate Project 410.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

(Interstate Travel in Aid of Racketeering)

74. The Grand Jury realleges paragraphs 1 through 73 of this Indictment as though fully stated herein.

75. On or about May 13, 2005, defendant,

JUAN BRAVO FERNANDEZ,

traveled in interstate commerce, from San Juan, Puerto Rico, in the District of Puerto Rico, to Las Vegas, Nevada, with the intent to:

a. Promote, establish, carry on, and facilitate the promotion, establishment, and carrying on, of an unlawful activity, to wit bribery in violation of Title 18, United States Code, Sections 666(a)(1)(B) and 666(a)(2), and thereafter did perform and attempt to perform acts to promote, manage, and carry on, and facilitate the promotion, management, and carrying on, of that unlawful activity; that is, defendant BRAVO corruptly gave, offered, promised, and

agreed to give defendant MARTINEZ and de Castro Font a trip to Las Vegas, Nevada, including round trip airfare, hotel rooms, meals, drinks, and tickets to attend the Felix "Tito" Trinidad vs. Winky Wright professional boxing match, with intent to influence and reward defendant MARTINEZ and de Castro Font in connection with their official actions in support of Senate Projects 410 and 471, which were the business, transactions, and series of transactions of the Commonwealth of Puerto Rico valued at more than $5,000; and

b. Promote, establish, carry on, and facilitate the promotion, establishment, and carrying on, of an unlawful activity, to wit bribery in violation of 33 L.P.R.A. §§ 4360 and 4363, and thereafter did perform and attempt to perform acts to promote, manage, and carry on, and facilitate the promotion, management, and carrying on, of that unlawful activity; that is, defendant BRAVO promised to give and gave defendant MARTINEZ and de Castro Font a trip to Las Vegas, Nevada, including round trip airfare, hotel rooms, meals, drinks, and tickets to attend the Felix "Tito" Trinidad vs. Winky Wright professional boxing match, for the purpose of defendant MARTINEZ and de Castro Font taking officials actions in support of Senate Projects 410 and 471.

All in violation of Title 18, United States Code, Sections 1952(a)(3)(A) and 2.

COUNT THREE

(Interstate Travel in Aid of Racketeering)

76. The Grand Jury realleges paragraphs 1 through 73 of this Indictment as though fully stated herein.

77. On or about May 13, 2005, defendant,

HECTOR MARTINEZ MALDONADO,

traveled in interstate commerce, from San Juan, Puerto Rico, in the District of Puerto Rico, to Las Vegas, Nevada, with the intent to:

a. Promote, establish, carry on, and facilitate the promotion, establishment, and carrying on, of an unlawful activity, to wit bribery in violation of Title 18, United States Code, Sections 666(a)(1)(B) and 666(a)(2), and thereafter did perform and attempt to perform acts to promote, manage, and carry on, and facilitate the promotion, management, and carrying on, of that unlawful activity; that is being an agent of the government of the Commonwealth of Puerto Rico, defendant MARTINEZ did corruptly solicit, demand, ask for, receive, accept and agree to accept from defendant BRAVO a trip to Las Vegas, Nevada, including round trip airfare, hotel rooms, meals, drinks, and a ticket to attend the Felix "Tito" Trinidad vs. Winky Wright professional boxing match, intending to be influenced and rewarded in connection with a business, transaction, and series of transactions of the Puerto Rico government valued at more than $5,000, that is, Senate Projects 410 and 471; and

b. Promote, establish, carry on, and facilitate the promotion, establishment, and carrying on, of

an unlawful activity, to wit bribery in violation of 33 L.P.R.A. § 4360, and thereafter did perform and attempt to perform acts to promote, manage, and carry on, and facilitate the promotion, management, and carrying on, of that unlawful activity; that is, defendant MARTINEZ received from defendant BRAVO a trip to Las Vegas, Nevada, including round trip airfare, hotel rooms, meals, drinks, and tickets to attend the Felix "Tito" Trinidad vs. Winky Wright professional boxing match, for the purpose of defendant MARTINEZ taking officials actions in support of Senate Projects 410 and 471.

All in violation of Title 18, United States Code, Sections I952(a)(3)(A) and 2.

COUNT FOUR
(Bribery Concerning Programs
Receiving Federal Funds)

78. The grand jury realleges paragraphs 1 through 73 of this Indictment as though fully set forth herein.

79. The Commonwealth of Puerto Rico was a State Government which received federal assistance in excess of $10,000 during the twelve months preceding May 15, 2005, and during the twelve months following May 15, 2005.

80. At all times relevant to this Indictment, defendant MARTINEZ and de Castro Font were agents of the Commonwealth of Puerto Rico whose duties included those of an elected Senator of the Commonwealth of Puerto Rico.

81. In or about May 2005, in the District of Puerto Rico and elsewhere, defendant,

JUAN BRAVO FERNANDEZ,

did corruptly give, offer, and agree to give to defendant MARTINEZ and de Castro Font things of value, that is, a trip to Las Vegas, Nevada, including round trip airfare, hotel rooms, meals, drinks, and tickets to attend the Felix "Tito" Trinidad vs. Winky Wright professional boxing match for defendant MARTINEZ and de Castro Font, with intent to influence and reward defendant MARTINEZ and de Castro Font in connection with a business, transaction, and series of transactions of the Puerto Rico government valued at more than $5,000, that is, Senate Projects 410 and 471.

All in violation of Title 18, United States Code, Sections 666(a)(2) and 2.

COUNT FIVE

(Bribery Concerning Programs Receiving Federal Funds)

82. The grand jury realleges paragraphs 1 through 73 of this Indictment as though fully set forth herein.

83. The Commonwealth of Puerto Rico was a State Government which received federal assistance in excess of $10,000 during the twelve months preceding May 15, 2005, and during the twelve months following May 15, 2005.

84. At all times relevant to this Indictment, defendant MARTINEZ and de Castro Font were agents of the Commonwealth of Puerto Rico whose duties included those of an elected Senator of the Commonwealth of Puerto Rico

85. In or about May 2005, in the District of Puerto Rico and elsewhere, defendant,

HECTOR MARTINEZ MALDONADO,

did corruptly solicit and demand for his own benefit, and accepted and agreed to accept, a thing of value from defendant BRAVO, that is, a trip to Las Vegas, Nevada, including round trip airfare, hotel rooms, meals, drinks, and a ticket to attend the Felix "Tito" Trinidad vs. Winky Wright professional boxing match, intending to be influenced and rewarded in connection with a business, transaction, and series of transactions of the Puerto Rico government valued at more than $5,000, that is, Senate Projects 410 and 471.

All in violation of Title 18, United States Code, Sections 666(a)(1)(B) and 2.

COUNT SIX

(Obstruction of Justice)

86. The grand jury realleges paragraphs 1 through 73 of this Indictment as though fully set forth herein.

87. In or about January 2009, the FBI began investigating the bribery scheme involving defendant BRAVO, defendant MARTINEZ, de Castro Font, the trip to Las Vegas, and the legislation that became Senate Project 410 and Senate Project 471.

88. In or about January or February 2010, defendant MARTINEZ contacted Person B, who had been but was no longer an employee of the Senate, and informed Person B that he wanted to meet with Person B to discuss some legislation. During this meeting, which took place at the Capitol Building, defendant MARTINEZ told Person B that defendant MARTINEZ was being investigated related to the trip to Las Vegas

and the legislation that became Senate Project 410 and Senate Project 471. Defendant MARTINEZ then told Person B that Person B was likely to be contacted by the FBI and, when contacted, Person B should remember that Person B had prepared the bills that became Senate Project 410 and Senate Project 471. Person B and defendant MARTINEZ both knew this was not true.

89. In or about February or March 2010, defendant MARTINEZ again spoke to Person B about the FBI's investigation into the conduct described above. During this conversation, defendant MARTINEZ again told Person B that if Person B is contacted by the FBI to remember that Person B is the person who prepared the bills that became Senate Project 410 and Senate Project 471. Person B and defendant MARTINEZ both knew this was not true. Immediately thereafter, defendant MARTINEZ asked Person B about the well being of Person B's son, who is an employee of the Puerto Rico Senate, which Person B interpreted as a possible threat against his son.

90. In or about the end of March 2010, Person B received a phone call from Person C, who has been working as the Director of defendant MARTINEZ' Senate office since defendant MARTINEZ took his Oath of Office in January 2005, insisting that she meet with Person B that day. At Person C's insistence, Person B met with Person C in the parking lot of a shopping center. During this meeting, Person C delivered to Person B some documents related to the bills that became Senate Project 410 and Senate Project 471, and reminded Person B that Person B had prepared these bills. After Person C told Person B to remember that Person B had prepared the bills that became Senate Project 410 and Senate Project 471,

Person C told Person B that his testimony will be the most important to defendant MARTINEZ' defense.

91. In or about the end of March 2010, Person B received another phone call from Person C requesting yet another meeting. At Person C's insistence, Person B met with Person C in person. During this meeting, Person C asked Person B to sign a sworn statement falsely declaring that Person B had prepared the bills that became Senate Project 410 and Senate Project 471.

92. In or about the end of March 2010, after meeting with the FBI, Person B received several phone calls from Person C, during which Person C again requested that Person B prepare a sworn statement falsely declaring that Person B had prepared the bills that became Senate Project 410 and Senate Project 471.

93, In or about early 2010, including January through March, in the District of Puerto Rico, the defendant,

HECTOR MARTINEZ MALDONADO,

did knowingly attempt to intimidate, threaten, and corruptly persuade, and did knowingly engage in misleading conduct toward Person B with intent to hinder, delay, and prevent the communication to a law enforcement officer of information relating to the commission or possible commission of a Federal offense, that is, information regarding who prepared the bills that became Senate Project 410 and Senate Project 471 in connection with the FBI's investigation of bribery, as described above.

All in violation of Title 18 United States Code, Section 1512(b)(3) and 2.

A TRUE BILL.

_____

FOREPERSON

Dated June 22, 2010

JACK SMITH
Chief

By: /s/ Peter M. Koski
PETER M. KOSKI
MARC E. LEVIN
Trial Attorneys
Public Integrity Section
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

[Filed 03/04/11]

Cr. No. 10-232 (FAB)

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN BRAVO-FERNANDEZ [1],
HECTOR MARTINEZ-MALDONADO [2],

Defendants.

JURY INSTRUCTIONS

JURY INSTRUCTION #1
Court Instructions to the Jury

Members of the Jury:

Now that you have heard all of the evidence and the arguments of counsel, it is my duty to give you the final instructions about the law that is applicable to this case. You should use these instructions to guide you in your deliberation and decisions.

All of the instructions of law given to you by the Court – those given to you at the beginning of the trial, those given to you during the trial, and these final instructions – must guide and govern your deliberations.

It is your duty as jurors to follow the law as stated in all of the instructions of the Court and to apply

those rules of law to the facts as you find them to be from the evidence received during the trial.

Counsel have properly referred to some of the applicable rules of law in their closing arguments to you. If, however, any difference appears to you between the law as stated by counsel and that as stated by the Court in these instructions, you, of course, are to be governed by the instructions given to you by the Court.

You are not to single out any one instruction alone as stating the law, but must consider the instructions as a whole in reaching your decisions.

Neither are you to be concerned with the wisdom of any rule of law stated by the Court. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your sworn duty to base any part of your verdict upon any view or opinion of the law other than that given in these instructions, just as it would be a violation of your sworn duty, as the judges of the facts, to base your verdict upon anything but the evidence received in the case.

You were chosen as jurors for this trial in order to evaluate all of the evidence received and to decide each of the factual questions presented by the allegations brought by the government in the indictment and the plea of not guilty by the defendant.

In resolving the issues presented to you for decision in this trial, you must not be persuaded by bias, prejudice, or sympathy for or against any of the parties to this case or by any public opinion.

Justice through trial by jury depends upon the willingness of each individual juror to seek the truth from the same evidence presented to all the jurors here

in the courtroom and to arrive at a verdict by applying the same rules of law as now being given to each of you in these instructions.

JURY INSTRUCTION #2

Presumption of Innocence; Proof Beyond a Reasonable Doubt

It is a cardinal principle of our system of justice that every person accused of a crime is presumed to be innocent unless and until his or her guilt is established beyond a reasonable doubt. The presumption is not a mere formality. It is a matter of the utmost importance.

The presumption of innocence alone may be sufficient to raise a reasonable doubt and to require the acquittal of a defendant. The defendants before you have the benefit of the presumption of innocence throughout the trial, and you are not to convict them of the charges against them unless you are persuaded of their guilt of that charge beyond a reasonable doubt.

The presumption of innocence until proven guilty means that the burden of proof is always on the government to satisfy you that the defendants are guilty of the crimes with which they are charged beyond a reasonable doubt. The law does not require that the government prove guilt beyond all possible doubt; only proof beyond a reasonable doubt is sufficient to convict. This burden never shifts to the defendant. It is always the government's burden to prove each of the elements of the crimes charged beyond a reasonable doubt by the evidence and the reasonable inferences to be drawn from that evidence. The defendants have the right to rely upon the failure or inability of the government to establish beyond a

reasonable doubt any essential element of a crime charged against them.

If, after fair and impartial consideration of all the evidence, you are satisfied beyond a reasonable doubt of one of or both of the defendants' guilt of a particular crime, you should vote to convict him or them of that crime.

On the other hand, if, after fair and impartial consideration of all the evidence, you have a reasonable doubt as to the one of or both of defendants' guilt of a particular crime, it is your duty to acquit him or them of that crime.

JURY INSTRUCTION #3
What Is Evidence; Inferences

The evidence you must use to decide the facts of this case consists of the sworn testimony of witnesses, both on direct examination and cross-examination, regardless of who called the witness, and the exhibits that have been received into evidence, and the matters to which the parties have stipulated or agreed.

Although you may consider only the evidence presented in the case, you are not limited in considering that evidence to the bald statements made by the witnesses or what is contained in the documents or exhibits. In other words, you are not limited solely to what you see and hear as the witnesses testify or what is contained in the documents or exhibits. You are permitted to draw from facts that you find to have been proven beyond a reasonable doubt any reasonable inferences you believe are justified in the light of common sense and personal experience.

JURY INSTRUCTION #4

Kinds of Evidence: Direct and Circumstantial

There are two kinds of evidence: direct and circumstantial. Direct evidence is direct proof of a fact, such as testimony of an eyewitness that the witness saw something. Circumstantial evidence is indirect evidence, that is, proof of a fact or facts from which you could draw the inference, by reason and common sense, that another fact exists, even though it has not been proven directly. You might remember the example of indirect evidence that I gave you at the beginning of the trial. Suppose you wake up in the morning, and notice it is a bright, sunny day. When you go out to get the newspaper, however, you notice that the street and sidewalk are wet. From those facts, you may infer that it rained during the night. You should consider both direct and circumstantial evidence. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. You are to decide how much weight to give any evidence.

JURY INSTRUCTION #5

What is Not Evidence

Certain things are not evidence. I will list them for you:

1. Arguments and statements by lawyers are not evidence. The lawyers are not witnesses. What they say in their opening statements, closing arguments and at other times is intended to help you interpret the evidence, but it is not evidence. If the facts as you remember them from the evidence differ from the way the lawyers have stated them, it is your memory of them that controls.

2. Questions and objections by lawyers are not evidence. Lawyers have a duty to their clients to object when they believe a question is improper under the rules of evidence. You should not be influenced by the objection or by my ruling on it.

3. Anything that I have excluded from evidence or ordered stricken and instructed you to disregard is not evidence. You must not consider such items.

4. Anything you may have seen or heard when the court was not in session, including statements heard and rallies and demonstrations observed, is not evidence, even if it was said or done by the defendant or any witness. You are to decide the case solely on the evidence received at trial.

5. Anything you may have seen or heard in the media is not evidence and should not be considered by you.

6. The indictment is not evidence. This case, like most criminal cases, began with an indictment. You will have that indictment before you in the course of your deliberations in the jury room. That indictment was returned by a grand jury, which heard only the government's side of the case. I caution you, as I have before, that the fact that the defendants before you have had an indictment filed against them is no evidence whatsoever of their guilt. The indictment is simply an accusation. It is the means by which the allegations and charges of the government are brought before this court. The indictment proves nothing.

JURY INSTRUCTION #6

Number of Witnesses; Credibility of Witnesses

Whether the government has sustained its burden of proof does not depend upon the number of witnesses it has called or what witness it did or did not present, or upon the number of exhibits it has offered, but instead upon the nature and quality of the evidence presented. You do not have to accept the testimony of any witness, no matter who presented the witness, if you find that the witness is not credible. You must decide which witnesses to believe and which facts are true. To do this, you must look at all the evidence, drawing on your common sense and personal experience.

You may want to take into consideration such factors as the witnesses' conduct and demeanor while testifying; any apparent fairness or bias they may have displayed; any interest you may discern that they may have in the outcome of the case; any prejudice they may have shown; their opportunities for seeing and knowing the things about which they have testified; the reasonableness or unreasonableness of the events that they have related to you in their testimony; and any other fact or circumstance disclosed by the evidence that tends to corroborate or contradict their versions of the events.

You are to judge the credibility of all witnesses fairly and reasonably, and you are to consider any interest that each of them may have in the outcome of the case in determining the weight to be given to their testimony.

JURY INSTRUCTION #7
Impeachment by Prior Inconsistent Statement

You have heard evidence that before testifying at this trial, witnesses made statements concerning the same subject matter as their testimony at trial. If a witness made a statement concerning the same subject matter as his or her testimony in this trial, you may consider that earlier statement to help you decide how much of the witness' testimony to believe. If you find that the prior statement was not consistent with the witness' testimony at trial, then you should decide whether that affects the believability of the witness' testimony at this trial.

Jury Instruction #8
Nature of Indictment; Presumption of Innocence

The defendants have been charged by the government with violation of federal laws. The charges against the defendants are contained in the indictment. The indictment is simply the description of the charge against the defendants; it is not evidence of anything. The defendants pleaded not guilty to the charge and deny committing the crimes. They are presumed innocent and may not be found guilty by you unless all of you unanimously find that the government has proven their guilt beyond a reasonable doubt.

JURY INSTRUCTION #9
Defendants' Constitutional Right Not to Present any Evidence or to Testify

A defendant has a constitutional right not to present any evidence or to testify. No inference of guilt, or of anything else, may be drawn from the fact that Juan Bravo-Fernandez and Hector Martinez-Maldonado did not present any evidence or testify. For any of you to

draw such an inference would be wrong; indeed, it would be a violation of your oath as a juror.

JURY INSTRUCTION #10
Cautionary Note; Nature of Indictment

I want to caution you that you are here to determine from the evidence presented whether the Government has proven the defendants' guilt beyond a reasonable doubt. Hector Martinez-Maldonado and Juan Bravo-Fernandez are not on trial for any act or offense not alleged in the indictment. Neither are you called upon to return a verdict as to the guilt or innocence of any other person or persons not on trial as a defendant in this case.

The only question you must answer is whether the government has met its burden, proving beyond a reasonable doubt each element of the crimes with which the defendants have been charged in the indictment. It is not up to you to decide whether any other person is guilty of any crime. The question of the possible guilt of others should not enter your thinking when you decide whether the Government has proved beyond a reasonable doubt that the defendants committed the offenses alleged.

JURY INSTRUCTION #11
Cautionary and Limiting Instructions as to Particular Kinds of Evidence

A particular item of evidence is sometimes received for a limited purpose only. That is, it can be used by you only for one particular purpose, and not for any other purpose. I have told you when that occurred, and instructed you on the purposes for which the item can and cannot be used. For example, on some occasions a piece of evidence was admitted to be considered only as to the charges as to either defendant Martinez or

defendant Bravo but not as to both. You must keep the limiting instructions I gave you in mind when considering the evidence in this case.

JURY INSTRUCTION #12
Defense: Theory of the Case

Both defendants have plead not guilty to all the charges filed in this case. In addition to his not guilty plea, defendant Martinez contends that all of his official actions were because he believed the legislation was good for Puerto Rico and that he took no official actions or received anything of value with a corrupt motive, and that anything of value he may have received from Juan Bravo during the trip to Las Vegas was unconnected to his taking any official actions on the projects.

In addition, defendant Martinez contends that he told Mr. Velazquez to tell the truth and that asking him to remember that Mr. Velazquez worked on or prepared the legislation was the truth of what Mr. Velazquez actually did, and that he never asked him or anyone else to ask him to lie or say anything that was not true.

In addition to his not guilty plea, defendant Bravo contends that he promoted the legislation because he believed the legislation was good for Puerto Rico and that he did not ask defendant Martinez to take any official actions or give him anything of value with a corrupt motive, and that his promoting Projects 410 and 471 had no connection to any trip to Las Vegas, and that anything of value he may have provided to defendant Martinez during the trip to Las Vegas or anything of value provided to Jorge de Castro-Font at any time were unconnected to his efforts to see Projects 410 and 471 become law.

JURY INSTRUCTION #13
Multiple Defendants — Multiple Counts

Separate crimes are charged against defendant Bravo and defendant Martinez on each count of the indictment. Each count, and the evidence pertaining to it, should be considered separately. The case of each defendant should be considered separately and individually.

JURY INSTRUCTION #14
Conspiracy, 18 U.S.C. § 371

Defendants Bravo and Martinez are accused of conspiring to commit federal crimes—specifically, the crime of bribery concerning programs receiving federal funds and the crime of traveling in interstate commerce in aid of racketeering. It is against federal law to conspire with someone to commit these crimes.

For you to find defendants Bravo and Martinez guilty of conspiracy, you must be convinced that the Government has proven each of the following things beyond a reasonable doubt:

First, that the agreement specified in the indictment, and not some other agreement or agreements, existed between at least two people to –

a. commit bribery concerning federal funds, pursuant to 18 U.S.C § 666 or

b travel in interstate commerce in aid of racketeering, pursuant to 18 U.S.C § 1952

Second, that defendants Bravo and Martinez willfully joined in that agreement; and

Third, that one of the conspirators (not necessarily one of the defendants) committed an overt

act during the period of the conspiracy in an effort to further the purpose of the conspiracy.

A conspiracy is an agreement, spoken or unspoken. The conspiracy does not have to be a formal agreement or plan in which everyone involved sat down together and worked out all the details.

But the Government must prove beyond a reasonable doubt that those who were involved shared a general understanding about the crime. Mere similarity of conduct among various people, or the fact that they may have associated with each other or discussed common aims and interests does not necessarily establish proof of the existence of a conspiracy, but you may consider such factors.

To act "willfully" means to act voluntarily and intelligently and with the specific intent that the underlying crime be committed—that is to say, with a bad purpose, either to disobey or disregard the law—not to act by ignorance, accident or mistake. The Government must prove two types of intent beyond a reasonable doubt before defendant Bravo or defendant Martinez can be said to have willfully joined the conspiracy: an intent to agree and an intent, whether reasonable or not, that the underlying crime be committed. Mere presence at the scene of a crime is not alone enough, but you may consider it among other factors. Intent may be inferred from the surrounding circumstances.

Proof that defendant Bravo and/or defendant Martinez willfully joined in the agreement must be based upon evidence of each defendant's own words and/or actions .You need not find that defendant Bravo or defendant Martinez agreed specifically to or knew about all the details of the crime, or knew every other

co-conspirator or that he participated in each act of the agreement or played a major role, but the Government must prove beyond a reasonable doubt that he knew the essential features and general aims of the venture. Even if one or both defendants was not part of the agreement at the very start, he can be found guilty of conspiracy if the Government proves that he willfully joined the agreement later. On the other hand, a person who has no knowledge of a conspiracy, but simply happens to act in a way that furthers some object or purpose of the conspiracy, does not thereby become a conspirator.

An "overt act" is any act knowingly committed by one or more of the conspirators in an effort to accomplish some purpose of the conspiracy. The Government is only required to prove that one overt act has been taken. The Government is not required to prove that the defendant personally committed or knew about the overt act. It is sufficient if one conspirator committed one overt act at some time during the period of the conspiracy.

The Government does not have to prove that the conspiracy succeeded or was achieved. The crime of conspiracy is complete upon the agreement to commit the underlying crime and the commission of one overt act.

JURY INSTRUCTION #15

Interstate Travel in Aid of Racketeering, 18 U.S.C. § 1952(a)(3)(A)

Defendant Bravo and defendant Martinez are separately charged with violating the Travel Act in Counts Two and Three of the Indictment, respectively. It is against federal law to travel in interstate

commerce for the purpose of carrying on certain unlawful activities.

For you to find the defendants guilty of this crime, you must be convinced that the Government has proven each of the following things beyond a reasonable doubt:

First, that the defendants traveled in interstate commerce;

Second, that they did so with the intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of an "unlawful activity," here, a violation of Federal or Puerto Rico law regarding criminal bribery; and

Third, that after the interstate travel, they performed or attempted to perform acts in furtherance of promoting, managing, establishing, carrying on, or facilitating the "unlawful activity" described previously.

"Interstate commerce" includes commerce or travel between one state. The term "State" includes a state of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States, including Puerto Rico. The elements of bribery in violation of the bribery laws of the United States – specifically, Title 18, United States Code, Section 666(a)(1)(B) and 666(a)(2) – are discussed elsewhere in these instructions. There is no requirement that the interstate travel be essential to the scheme. It is enough if the interstate travel made the unlawful activity easier.

And while it must be proven that the defendants traveled in interstate commerce with the intent to

promote, manage, establish, carry on, or facilitate an "unlawful activity," it need not be proved that such purpose was the only reason or motive prompting the defendants' travel.

"Unlawful activity" as used in counts two and three means bribery in violation of the laws of the state in which committed or of the United States.

It is a crime in Puerto Rico for anyone to "directly or through an intermediary give[] or promise[] to give money or any benefit to a public officer or employee" . . . "to perform an act that pertains to his/her regular duties." Likewise, it is a crime for "any public official or employee . . . [to] solicit or receive[] money or any benefit, or accept[] a proposal to such effects, directly or through an intermediary, for himself or a third person, to perform an act that is contrary to his/her duties."

It is sufficient under this section for the attempted act to fall within the general duties of the employee as described upon his appointment; it is not necessary to show that official had final authority in the chain of events.

JURY INSTRUCTION #16
Travel Act – Unanimity of Theory

As I will later instruct you, your verdict, whether it is guilty or not guilty, must be unanimous. The following instruction applies to the unanimity requirement as to Counts 2 and 3 concerning the Travel Act. Count 2 applies to defendant Bravo and Count 3 applies to defendant Martinez. Both counts allege that the defendant charged in that count violated the Travel Act in one of two ways. First, the government alleges that, after their interstate travel, each defendant committed the crime of Bribery

Concerning Programs Receiving Federal Funds in violation of the federal bribery laws. Second, the government alleges that, after their interstate travel, each defendant committed bribery in violation of Puerto Rico's bribery laws. In order to return a guilty verdict as to either defendant, all twelve of you must agree that the same law – either the federal bribery laws or Puerto Rico's bribery laws – was violated by that defendant. All of you must agree that the government proved beyond a reasonable doubt that the defendant charged in each count traveled in interstate commerce and afterward violated federal bribery law; or, all of you must agree that the government proved beyond a reasonable doubt that the defendant charged in each count traveled in interstate commerce and afterward violated Puerto Rico's bribery laws. In addition, for you to convict either of the defendants under any of these theories, the government must prove beyond a reasonable doubt and you must unanimously agree upon both what the defendants agreed to give and what they agree to receive as part of the exchange.

In addition, Count 2 charges defendant Bravo with violating the Travel Act based on the alleged bribes he paid to both defendant Martinez and Mr. De Castro-Font. To return a guilty verdict, all twelve of you must agree that defendant Bravo violated the Travel Act by bribing defendant Martinez and/or by bribing Jorge de Castro-Font. If all twelve of you find beyond a reasonable doubt that defendant Bravo bribed someone in violation of the Travel Act, but you are not unanimous as to whether it was defendant Martinez and/or Mr. De Castro-Font, you must acquit defendant Bravo on Count 2.

JURY INSTRUCTION #17
Travel Act – Puerto Rico Bribery (Count 2)

To establish that defendant Bravo committed the Travel Act violation alleged in Count 2 based on violations of Puerto Rico's bribery laws, the government must prove the following beyond a reasonable doubt:

First, that Mr. Bravo traveled in interstate commerce;

Second, that Mr. Bravo did so with the intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of an unlawful activity, specifically the crime of bribery in violation of the laws of Puerto Rico; and

Third, that, after this interstate travel, Mr. Bravo later performed acts in furtherance of promoting, managing, establishing carrying on or facilitating the crime of bribery in violation of the laws of Puerto Rico.

It is a crime in Puerto Rico for a public official to ask for or accept money or any benefit in exchange for performing an official act, and it is a crime in Puerto Rico to give or promise to give a public officer money or any benefit in exchange for the public officer performing an official act.

JURY INSTRUCTION #18
Travel Act – Puerto Rico Bribery (Count 3)

To establish that defendant Martinez committed the Travel Act violation alleged in Count 3 based on violations of Puerto Rico's bribery laws, the government must prove the following beyond a reasonable doubt:

First, that defendant Martinez traveled in interstate commerce;

Second, that defendant Martinez did so with the intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of an unlawful activity, specifically the crime of bribery in violation of the laws of Puerto Rico; and

Third, that, after this interstate travel, defendant Martinez later performed acts in furtherance of promoting, managing, establishing carrying on or facilitating the crime of bribery in violation of the laws of Puerto Rico.

It is a crime in Puerto Rico for a public official to ask for or accept money or any benefit in exchange for performing an official act, and it is a crime in Puerto Rico to give or promise to give a public officer money or any benefit in exchange for the public officer performing an official act.

JURY INSTRUCTION #19
Travel Act – Puerto Rico's Bribery Laws are Not Extraterritorial

Puerto Rico's bribery laws apply only to conduct that takes place within the territory of Puerto Rico. Consequently, the government must prove beyond a reasonable doubt that the bribes alleged in the indictment were offered, accepted or received within Puerto Rico, rather than someplace else.

JURY INSTRUCTION #20
Bribery Concerning Programs Receiving Federal Funds, 18 U.S.C. § 666(a)(2)

Defendant Bravo is accused of corruptly giving, offering, or agreeing to give things of value to defendant Martinez and/or Jorge de Castro-Font, with intent to influence or reward defendant Martinez

and/or De Castro-Font in connection with a business, transaction, or series of transactions of the Commonwealth of Puerto Rico government involving more than $5,000.

For you to find defendant Bravo guilty of bribery, you must be convinced that the Government has proven each of the following things beyond a reasonable doubt:

First, that defendant Bravo gave, offered, or agreed to give any thing of value to any person;

Second, that defendant Bravo did so corruptly with the intent to influence or reward an agent of the Puerto Rico government in connection with any business, transaction, or series of transactions of the Puerto Rico government;

Third, that this business, transaction, or series of transactions involved any thing of a value of $5,000 or more; and

Fourth, that the Puerto Rico government, in a one-year period preceding May 15, 2005, or during the one-year period following May 15, 2005, received benefits of more than $10,000 under any Federal program involving a grant, contract subsidy, loan, guarantee, insurance or other assistance.

An act is done "corruptly" if it is performed voluntarily, deliberately and dishonestly for the purpose of either accomplishing an unlawful end or result, or of accomplishing some otherwise lawful end or lawful result, by any unlawful method or means.

The thing of value need not have been given, offered, or promised solely with a corrupt intent to influence or reward because people rarely act for a single purpose. To find that the thing of value was given, offered, or

promised with a corrupt intent to influence or reward, you must find that defendant Bravo gave, offered, or promised the thing of value in part to corruptly influence or reward defendant Martinez for his official acts.

The term "agent" as relevant to this case means any employee, officer or director of the Puerto Rico government.

When considering the First and Second elements above, I instruct you that a defendant is not required to have given, offered, or agreed to give a thing of value before the business, transaction, or series of transactions. Rather, the Government may prove that defendant Bravo gave, offered, or agreed to give the thing of value before, after, or at the same time as the business, transaction, or series of transactions. Therefore, the Government does not need to prove that defendant Bravo gave, offered, or agreed to offer the trip to Las Vegas before defendant Martinez performed any official action or series of acts.

The Government is not required to prove that defendant Bravo gave, offered, or agreed to give the trip to Las Vegas corruptly with the intent to influence or reward a specific action by defendant Martinez. Instead it is sufficient if the Government proves beyond a reasonable doubt that defendant Bravo gave, offered, or agreed to give the trip to Las Vegas corruptly with intent to influence or reward a course of conduct by defendant Martinez. Therefore, the Government has met its burden under the First and Second elements above if you find beyond a reasonable doubt that defendant Bravo gave, offered, or agreed to give the trip to Las Vegas corruptly with the intent to influence or reward one or all of several actions taken by defendant Martinez in reference to Senate Projects

410 and/or 471, including but not limited to holding hearings, inviting defendant Bravo to testify at the committee hearings, authorizing a favorable committee report, and/or voting in favor of the legislation.

The Government is not required to prove that defendant Bravo's giving, offer, or agreement to give the trip to Las Vegas caused defendant Martinez to change his actions or course of conduct regarding Senate Projects 410 and/or 471. Therefore, the Government has met its burden under the First and Second elements if you find beyond a reasonable doubt that defendant Bravo gave, offered, or agreed to give the Las Vegas trip corruptly with the intent to influence or reward defendant Martinez to maintain a position already adopted in reference to Senate Projects 410 and/or 471 before the Las Vegas trip was given, offered, or agreed to be given.

The Government is not required to show that any business, transaction, or series of transactions was actually performed by defendant Martinez. Nor is the Government required to show that any action or series of actions actually performed by defendant Martinez was, or were, unfavorable, undesirable, or not beneficial to the citizens of Puerto Rico. The merits of the legislation are not an issue in this case, and you are instructed not to consider whether Senate Projects 410 and 471 were good or bad laws when reaching a verdict. Instead, the Government need only prove beyond a reasonable doubt that defendant Bravo gave, offered, or agreed to give the trip to Las Vegas corruptly, with an intent to influence or reward defendant Martinez.

JURY INSTRUCTION #21

Bribery Concerning Programs Receiving Federal Funds, 18 U.S.C. § 666(a)(1)(B)

Defendant Martinez is accused of corruptly soliciting or demanding for his own benefit, or accepting or agree to accept, anything of value from defendant Bravo, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of the Commonwealth of Puerto Rico government involving more than $5,000.

For you to find defendant Martinez guilty of bribery, you must be convinced that the Government has proven each of the following things beyond a reasonable doubt:

First, that defendant Martinez was an agent of the Commonwealth of Puerto Rico government whose duties included those of an elected Senator of the Commonwealth of Puerto Rico, as charged;

Second, that defendant Martinez solicited, demanded, accepted or agreed to accept anything of value from another person;

Third, that defendant Martinez did so corruptly with the intent to be influenced or rewarded in connection with some business, transaction or series of transactions of the Puerto Rico government;

Fourth, that this business, transaction or series of transactions involved anything of a value of $5,000 or more; and

Fifth, that the Puerto Rico government, in a one-year period preceding May 15, 2005, or during the one-year period following May 15, 2005, received benefits of more than $10,000 under any Federal program

involving a grant, contract subsidy, loan, guarantee, insurance or other assistance.

An act is done "corruptly" if it is performed voluntarily, deliberately and dishonestly for the purpose of either accomplishing an unlawful end or result, or of accomplishing some otherwise lawful end or lawful result by any unlawful method or means.

The thing of value need not have been solicited, demanded, or accepted solely with a corrupt intent to influence or reward because people rarely act for a single purpose. To find that the thing of value was solicited, demanded, or accepted with a corrupt intent to influence or reward, you must find that defendant Martinez solicited, demanded, or accepted the thing of value in part to corruptly influence or reward his official acts.

The term "agent" as relevant to this case means any employee, officer or director of the Puerto Rico government.

When considering the Second and Third elements above, I instruct you that a defendant is not required to have accepted or received a thing of value before the business, transaction, or series of transactions. Rather, the Government may prove that defendant Martinez solicited, demanded, accepted, or agreed to accept the thing of value before, after, or at the same time as the business, transaction, or series of transactions. Therefore, the Government does not need to prove that defendant Martinez solicited, demanded, accepted or agreed to accept the trip to Las Vegas before defendant Martinez performed any official act or series of acts.

The Government is not required to prove that defendant Martinez solicited, demanded, accepted, or agreed to accept the trip to Las Vegas corruptly with the intent to be influenced or rewarded by defendant Bravo for a specific action. Instead it is sufficient if the Government proves that defendant Martinez solicited, demanded, accepted, or agreed to accept the Las Vegas trip corruptly with the intent to be influenced or rewarded for a course of conduct. Therefore, the Government has met its burden under the Second and Third elements above if you find beyond a reasonable doubt that defendant Martinez solicited, demanded, accepted, or agreed to accept the Las Vegas trip corruptly with the intent to be influenced or rewarded for one or all of several actions taken by defendant Martinez in reference to Senate Projects 410 and/or 471, including but not limited to holding hearings, inviting defendant Bravo to testify at the committee hearings, authorizing a favorable committee report, and/or voting in favor of the legislation.

The Government is not required to prove that defendant Martinez's solicitation, demand, acceptance, or agreement to accept the trip to Las Vegas caused defendant Martinez to change his actions or course of conduct regarding Senate Project 410 and/or 471. Therefore, the Government has met its burden under the Second and Third elements if you find beyond a reasonable doubt that defendant Martinez solicited, demanded, accepted, or agreed to accept the Las Vegas trip corruptly with the intent to be influenced or rewarded for maintaining a position already adopted in reference to Senate Projects 410 and/or 471 before the Las Vegas trip was given, offered, or agreed to be given.

The Government is not required to show that any business, transaction, or series of transactions was actually performed by defendant Martinez. Nor is the Government required to show that any action or series of actions actually performed by defendant Martinez was, or were, unlawful, undesirable, or not beneficial to the citizens of Puerto Rico. The merits of the legislation are not an issue in this case, and you are instructed not to consider whether Senate Projects 410 or 471 were good or bad laws when reaching a verdict. Instead, the Government need only prove beyond a reasonable doubt that defendant Martinez solicited, demanded, accepted, or agreed to accept the trip to Las Vegas corruptly, with an intent to be influenced or rewarded.

JURY INSTRUCTION #22
Bribery

I have used the word "bribery" in these instructions. Bribery requires that the government prove beyond a reasonable doubt the existence of a *quid pro quo* or, in plain English, an agreement that the thing of value that is given to the public official is in exchange for that public official promising to perform official acts for the giver. It is not sufficient that the thing of value is made to curry favor because of the official's position or that there is some connection in time or place with an official act that is promised to the giver; rather there must be an agreement that the thing of value was offered by defendant Bravo and accepted by Senator Martinez in exchange for a promise to perform an official act.

JURY INSTRUCTION #23
Definition of "anything of value"

The phrase "anything of value" means any item, whether tangible or intangible, that the person giving or offering or the person accepting or receiving considers to be worth something. This includes things possessing intrinsic value, whether tangible or intangible, that the person giving or offering or the person accepting or receiving considers to be worth something. The phrase "anything of value" includes a sum of money, tickets to a boxing match, meals, hotel rooms, airfare, entertainment, and trips.

JURY INSTRUCTION #24
The Merits of the Legislation and the Lawfulness of Conduct is No Defense

It is not a defense to the crime of bribery "that the business, transaction or series of transactions of the Puerto Rico government," as alleged in Counts Four and Five of the Indictment, was actually lawful, desirable, or even beneficial to the citizens of Puerto Rico. Put more simply, the defendants' guilt or innocence does not depend upon whether Senate Projects 410 or 471 were good or bad laws.

JURY INSTRUCTION #25
Obstruction of Justice, 18 U.S.C. § 1512(b)(3)

Defendant Martinez is charged with knowingly using intimidation, threatening, or corruptly persuading Jose Velazquez, or engaging in misleading conduct toward Jose Velazquez, with the intent to hinder, delay, or prevent the communication to a law enforcement officer of information relating to the commission or possible commission of a Federal offense.

For you to find defendant Martinez guilty of this crime, you must be convinced that the Government has proven each of the following things beyond a reasonable doubt:

First, that on about the date charged, defendant Martinez either –

a. used intimidation, threatened, or corruptly persuaded Jose Velazquez, or

b. engaged in misleading conduct toward Jose Velazquez;

Second, that defendant Martinez did so knowingly;

Third, that defendant Martinez did so with the intent to hinder, delay, or prevent the communication to a law enforcement officer of information relating to the commission or possible commission of a Federal offense.

It is not a sufficient defense to the crime of obstruction of justice that a defendant's statement was literally true, if you find that defendant Martinez knowingly corruptly persuaded or engaged in misleading conduct toward Jose Velazquez with an intent to hinder, delay, or prevent the communication to a law enforcement officer of information relating to the commission or possible commission of a Federal offense. It is up to you to determine whether defendant Martinez knowingly corruptly persuaded or engaged in misleading conduct toward Jose Velazquez, or aided and abetted Jannisca Rodriguez, with an intent to hinder, delay, or prevent the communication to a law enforcement officer of information relating to the commission or possible commission of a Federal offense.

JURY INSTRUCTION #26

Essential Elements of the Offense Aiding and Abetting

To "aid and abet" means intentionally to help someone else commit the charged crime. To establish aiding and abetting, the government must prove beyond a reasonable doubt:

First, that someone else committed one or more of the crimes charged in counts two through six of the indictment.

Second, that the defendants consciously shared the other person's knowledge of one or more of those crimes, intended to help him or her and took part in one or more of the endeavors, seeking to make one or more of them succeed.

A defendant doesn't have to commit the crimes, be present when they are committed, or be aware of the details of their execution to be guilty of aiding and abetting. But a general suspicion that an unlawful act may occur or that something criminal is happening is not enough. Mere presence at the scene of the crimes charged in counts two through six of the indictment and knowledge that the crimes charged in counts two through six of the indictment are also not sufficient to establish aiding and abetting. But you may consider those factors among others.

JURY INSTRUCTION #27

Constitutional Right to Petition Senators for Legislation

Citizens of Puerto Rico such as defendant Bravo have a right, guaranteed by the First Amendment to the United States Constitution and by Art. II, §4 of the Constitution of the Commonwealth of Puerto Rico to petition the government for redress of grievances.

Seeking or gaining access to a legislator to address matters of concern to the citizen or to lobby for the passage of legislation is constitutionally-protected conduct and does not constitute a corrupt intent to improperly influence the legislator. However, there is no constitutional right to corruptly offer anything of value with the intent to influence or reward a legislator or a public official or employee regarding his official acts.

JURY INSTRUCTION #28
Defense: Good Faith

Because an essential element of the crimes charged is that defendants acted with a corrupt intent, good faith on the part of the defendants as to the legality of their conduct is a complete defense to the charges. The burden of proving good faith does not rest with the defendants because the defendants do not have an obligation to prove anything in this case. It is the government's burden to prove beyond a reasonable doubt that the defendants are guilty and did not act with good faith.

JURY INSTRUCTION #29
Circumstantial Proof: Knowledge, Willfulness and Intent

Knowledge, willfulness and intent involve the state of a person's mind. Medical science has not yet devised an instrument which can record what was in one's mind in the distant past. Knowledge may not ordinarily be proven directly because there is no way of directly scrutinizing the workings of the human mind. In determining what a defendant knew or intended at a particular time, you may consider any statements made or acts done or omitted by a defendant and all other facts and circumstances

received in evidence that may aid in your determination of defendants' knowledge or intent. You may infer, but you are certainly not required to infer, that a person intends the natural and probable consequences of acts knowingly done or knowingly omitted. Thus, knowledge may be inferred from what a defendant says or does: his or her words, his or her actions, and his or her conduct, at the time of the events in question or after.

The intent with which an act is done is often more clearly and conclusively shown by the act itself, or by a series of acts, than by words or explanations of the act uttered long after its occurrence.

Accordingly, intent, willfulness and knowledge are usually established by surrounding facts and circumstances as of the time the acts in question occurred, or the events took place, and the reasonable inferences to be drawn from them.

JURY INSTRUCTION #30
"On or About" Explained

You will note that the Indictment charges that offenses were committed "on or about" a certain date. Although it is necessary for the government to prove beyond a reasonable doubt that the offense was committed on a date reasonably near the date alleged in the Indictment, it is not necessary for the government to prove that the offense was committed precisely on the date charged.

JURY INSTRUCTION #31
Stipulations

The evidence in this case includes facts to which the lawyers have agreed or stipulated. A stipulation means simply that the Government and one or both

defendants accept the truth of a particular proposition or fact. You will have those stipulations before you in the course of your deliberations in the jury room. Because there is an agreement, there is no need for evidence apart from the stipulations. You must accept the stipulations as facts to be given whatever weight you choose to give them.

JURY INSTRUCTION #32
Consideration of Evidence

Your verdict must be based solely on the evidence and on the law as I have given it to you in these instructions. Nothing that I have said or done, however, is intended to suggest what your verdict should be. That is entirely for you to decide.

JURY INSTRUCTION #33
Punishment

The punishment provided by law for the offenses charged in the indictment is a matter exclusively within the province of the judge, and should never be considered by you in any way in arriving at an impartial verdict as to the guilt or innocence of the defendant.

JURY INSTRUCTION #34
Duty to Deliberate

Any verdict must represent the considered judgment of each one of you. In order to return a verdict it is necessary that each juror agree to it. In other words, your verdict must be unanimous.

It is your duty as jurors to consult with one another and to deliberate in an effort to reach agreement if you can do so without compromising your individual judgment. Each of you must decide the case for yourself, but only after an impartial consideration of

the evidence in the case with your fellow jurors. In the course of your deliberations, do not hesitate to re-examine your own views and change your opinion if convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of the evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

Remember at all time that you are not partisans. You are judges – judges of the facts. Your sole interest is to determine from the evidence in this case whether the Government has proved its case beyond a reasonable doubt.

JURY INSTRUCTION #35
Communication With The Court

If it becomes necessary during your deliberations to communicate with me, you may send a note through the Court Security Officer signed by your foreperson or by one or more members of the jury. No member of the jury should ever attempt to communicate with me on anything concerning the case except by a signed writing, and I will communicate with any member of the jury on anything concerning the case only in writing, or orally here in open court. If you send out a question, I will consult with the parties as promptly as possible before answering it, which may take some time. You may continue with your deliberations while waiting for the answer to any question. Remember that you are not to tell anyone, including me, how the jury stands, numerically or otherwise, until after you have reached a unanimous verdict or have been discharged.

JURY INSTRUCTION #36
Return of Verdict Form

When you return to the jury room you should first select one of your members to act as your foreperson to preside over the deliberations and to be your spokesperson here in court.

You will have before you what is called the verdict form. This form is simply the written notice of the decision you will reach in this case.

After you have reached a unanimous verdict, your foreperson will fill in the verdict form, sign and date it. You will then advise the Court Security Officer, outside your door, in writing, that you have reached a unanimous verdict and are ready to return to the courtroom. After you return to the courtroom, your foreperson will deliver the completed verdict forms as directed in open court.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

[Filed 03/07/11]

Cr. No. 10-232 (FAB)

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN BRAVO-FERNANDEZ [1],
HECTOR MARTINEZ-MALDONADO [2],

Defendants.

VERDICT

COUNT I

With respect to Count I, conspiracy, we the jury unanimously find defendant Juan Bravo-Fernandez:

NOT GUILTY_____ GUILTY__X__

If you find defendant Bravo-Fernandez not guilty, proceed to Count I with respect to defendant Hector Martinez-Maldonado. If you find defendant Bravo-Fernandez guilty, please answer the following questions.

Which one or more of these was the object of the conspiracy (check all that you unanimously find to apply):

To commit bribery concerning programs receiving federal funds (defendant Bravo-Fernandez's transfer of things of value to defendant Martinez-Maldonado and/or to Jorge de Castro Font):

YES__ NO_X_

To commit bribery concerning programs receiving federal funds (defendant Martinez-Maldonado's and/or Jorge de Castro-Font's solicitation or acceptance of things of value from defendant Bravo-Fernandez):

YES__ NO_X_

To travel in interstate commerce in aid of racketeering:

YES_X_ NO___

With respect to Count I, conspiracy, we the jury unanimously find defendant Hector Martinez-Maldonado:

NOT GUILTY_____ GUILTY___X___

If you find defendant Martinez-Maldonado not guilty, proceed to Count II. If you find defendant Martinez-Maldonado guilty, please answer the following questions.

Which one or more of these was the object of the conspiracy (check all that you unanimously find to apply):

To commit bribery concerning programs receiving federal funds (defendant Bravo-Fernandez's transfer of things of value to defendant Martinez-Maldonado and/or to Jorge de Castro Font):

YES__ NO_X_

To commit bribery concerning programs receiving federal funds (defendant Martinez-Maldonado's and/or Jorge de Castro-Font's solicitation or acceptance of things of value from defendant Bravo-Fernandez):

YES__ NO_X_

To travel in interstate commerce in aid of racketeering:

YES__ NO_X_

COUNT II

With respect to Count II, Interstate Travel in Aid of Racketeering, we the jury unanimously find defendant Juan Bravo-Fernandez:

NOT GUILTY_____ GUILTY___X___

If you find defendant Bravo-Fernandez not guilty, proceed to Count III. If you find defendant Bravo-Fernandez guilty, please answer the following questions.

Which one or more of these did defendant Bravo-Fernandez travel with the intent to do (check all that you unanimously find to apply):

Bribery concerning programs receiving federal funds:

YES__ NO_X_

Bribery in violation of Puerto Rico law:

YES_X_ NO___

COUNT III

With respect to Count III, Interstate Travel in Aid of Racketeering, we the jury unanimously find defendant Hector Martinez-Maldonado:

NOT GUILTY___X___ GUILTY_____

If you find defendant Martinez-Maldonado not guilty, proceed to Count IV. If you find defendant Martinez-Maldonado guilty, please answer the following questions.

Which one or more of these did defendant Martinez-Maldonado travel with the intent to do (check all that you unanimously find to apply):

Bribery concerning programs receiving federal funds:

YES___ NO___

Bribery in violation of Puerto Rico law:

YES___ NO___

COUNT IV

With respect to Count IV, Federal Program Bribery, we the jury unanimously find defendant Juan Bravo-Fernandez:

NOT GUILTY_____ GUILTY___X___

COUNT V

With respect to Count V, Federal Program Bribery, we the jury unanimously find defendant Hector Martinez-Maldonado:

NOT GUILTY_____ GUILTY___X___

COUNT VI

With respect to Count VI, Obstruction of Justice, we the jury unanimously find defendant Hector Martinez-Maldonado:

NOT GUILTY___X___ GUILTY_____

Signed: _____ Date: 03/07/11

DO NOT SIGN,
PUT ONLY YOUR JURY NUMBER